IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 30982 of 2006(L)

PETITIONER:

V.K.HARIHARLAL,
OVERSEER, GRADE-III, O/O. THE ASST. ENGINEER,
TRAVANCORE DEVASWOM BOARD, NANTHANCODE,
THIRUVANANTHAPURAM.

BY ADV. SRI.A.JAYASANKAR
SRI.C.ANIL KUMAR

RESPONDENT:

TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS SECRETARY,
NANTHANCODE, THIRUVANANTHAPURAM.

BY S.C. MR. M .K. CHANDRAMOHAN DAS.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 30982 OF 2006

Dated this the 24th January, 2007.

JUDGMENT

The petitioner is borne on the cadre of Overseer Gr.II in the service of the Travancore Devaswom Board which is the sole respondent herein. He has sought for directions to the respondent to appoint him as Assistant Engineer against the 6% quota earmarked for inservice degree holders in the feeder category.

2. A Division Bench of this Court had occasion to consider the applicability of the ratio prescribed for appointment to the post of Assistant Engineers under the Board. It was found that the certificate holders had been occupying the post of Assistant Engineer far in excess of their quota. The cadre strength of Assistant Engineers as matters stood then had to be applied among directly recruited degree holders, diploma holders and certificate holders in the ratio of 60:30:10. The cadre strength of Assistant Engineers in the service of the Board is 26. The actual strength, as on today, is 12 degree holders, 4 diploma holders and 10 certificate holders as against the required strength of 15 degree holders, 8 diploma holders and 3 certificate holders. Therefore 3 degree holders and 4 diploma holders are deficient whereas 7 certificate holders

are in excess. Ext.P9 proceedings of the Board issued on 19.12.2006 introduced an internal ratio among degree holders.

3. Based on Ext.P9 the cadre strength will have to be re-apportioned from the date of Ext.P9 onwards as 54% degree holders from open market, 6% degree holders from inservice candidates, 30% diploma holders and 10% certificate holders. Till the issuance of Ext.P9, vacancies in the post of Assistant Engineers coming within the quota of degree holders were filled up by appointing open market candidates and, therefore, further vacancies which would arise on and after 19.12.2006 in the quota earmarked for degree holders shall be filled up by appointing inservice degree holders until the 6% quota set apart for them is satisfied.

4. Counsel for the petitioner submits that a vacancy in the post of Assistant Engineer has arisen in the month of November 2006 and the petitioner being fully qualified shall be considered against that vacancy.

5. Counsel for the respondent-Board submits that as on the date the vacancy arose in November 2006, Ext.P9 order was not in force and, therefore, the inservice candidate cannot stake a claim against that vacancy even if that vacancy is to be filled up by a degree holder. I find

merit in the above submission made by the counsel for the Board.

6. It is made clear that any vacancy that will arise on and after 19.12.2006 which is to be filled up by degree holders shall be filled up by inservice degree holders eligible for appointment as Assistant Engineer until the 6% quota is satisfied. The respondent shall definitely consider whether the vacancy in question shall got to the Degree holder or Diploma holder because, deficiency is there not only in the quota earmarked for degree holders but also for diploma holders. Needless to state that if the petitioner satisfies the requisite eligibility conditions as also the qualifications, the respondent shall consider his case according to law against a vacancy earmarked for the degree holders. Writ petition is disposed of with the above directions.

K.K.DENESAN
Judge

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